

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GLOBAL ENERGY : CIVIL ACTION  
CONSULTANTS, LLC, : NO. 08-5827  
:  
Plaintiff, :  
:  
v. :  
:  
HOLTEC INTERNATIONAL, :  
INC., et al, :  
:  
Defendants. :

O R D E R

AND NOW, this 17th day of August, 2011 for the reasons set forth in the Court's accompanying memorandum dated August 17, 2011, it is **ORDERED** that:

1. Plf.'s Motion for Leave to File a Surreply (doc. no. 94) is **GRANTED**.<sup>1</sup>
2. Plf.'s Motion to Dismiss Count II of the Complaint (doc. no. 45) is **GRANTED**.<sup>2</sup>
3. Def.'s Motion for Partial Summary Judgment (doc. no. 56) is **GRANTED**.
4. All other pending summary judgment motions are

---

<sup>1</sup> Plaintiff's Surreply was reviewed in consideration of this Order and accompanying Memorandum.

<sup>2</sup> As a response to Def.'s Motion for Partial Summary Judgment (doc. no. 39), Plaintiff sought to withdraw claims based on an alleged oral contract. Thus, Plaintiff moves to withdraw/dismiss Count II (of the three counts) as it is based on the alleged oral contracts.

**DENIED as moot:** Def.'s Motion for Summary Judgment (doc. no. 33); Def.'s Motion for Partial Summary Judgment (doc. no. 39); Def.'s Motion for Partial Summary Judgment That No Oral Contracts Existed (doc. no. 54)

5. All pending trial motions are **DENIED as moot:** Plf.'s Motion in Limine (doc. no. 57); Def.'s Motion in Limine to Exclude Evidence of an Oral Contract (doc. no. 69); Def.'s Motion in Limine to Exclude Testimony and Expert Reports (doc. no. 70); Def.'s Motion in Limine to Exclude Opinion Testimony Offered by Plaintiff (doc. no. 71); and Plf.'s Motion for Partial Summary Judgment (doc. no. 58).<sup>3</sup>

6. The Clerk of the Court shall mark this case as **CLOSED.**

**AND IT IS SO ORDERED.**

S/Eduardo C. Robreno  
EDUARDO C. ROBRENO, J.

---

<sup>3</sup> This motion is denied for the same reasons that Defendant's Motion for Summary Judgment Def.'s Motion for Partial Summary Judgment (doc. no. 56) is granted.